

04/16/01  
JC839 U.S. PTO

04-16-01

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**NEW, CONTINUATION, DIVISIONAL OR  
CONTINUATION-IN-PART APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

Attorney Docket No. LF-20888  
Express Mail Label No. EH873629584US  
Date April 16, 2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Hon. Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is a patent application for

**ELLIPTICAL STEP EXERCISE APPARATUS**

identified by:  First named inventor **Charles J. Rosenow**  
or  Attorney Docket No. (see above)

**1. Type of Application**

This application is a new application.

This application is a [ ] continuation / [ ] divisional /  continuation-in-part of prior application No. **09/332,860**. Amend the specification by inserting before the first line the sentence:  
--This is a continuation-in-part of United States patent application No. 09/332,860, filed June 15, 1999.--

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

If for some reason applicant has not requested a sufficient extension of time in the parent application, and/or has not paid a sufficient fee for any necessary response in the parent application and/or for the extension of time necessary to prevent the abandonment of the parent application prior to the filing of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge my Deposit Account No. 13-2495 for any fee that may be due. THIS FORM IS BEING FILED IN TRIPPLICATE: one copy for this application; one copy for use in connection with the Deposit Account (if applicable); and one copy for the above-mentioned parent application (if any extension of time is necessary).

**2. Contents of Application**

10/16/01  
04/16/01  
JC839 U.S. PTO  
**09/835672**

a. Specification of 33 pages;

A microfiche computer program (Appendix);

A nucleotide and/or amino acid sequence submission;

Because the enclosed application is in a non-English language, a verified English translation  is enclosed  will be filed.

Cancel original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing date purposes.)

b.  Drawings on twenty six (26) sheets, Figs. 1-25 ;

c.  A signed Oath/Declaration  is enclosed /  will be filed in accordance with 37 C.F.R. §1.53(f).

The enclosed Oath/Declaration is  newly executed /  a copy from a prior application under 37 C.F.R. §1.63(d) /  accompanied by a statement requesting the deletion of person(s) not inventors in the continuing application.

d. **Fees**

FILING FEE	Number	Number	Basic Fee
CALCULATION	Filed	Extra	Rate
Total Claims	37 - 20 = 17	× \$18.00	= \$710.00
Independent Claims	6 - 3 = 3	× \$80.00	= \$240.00
Multiple Dependent Claim(s) Used .....		\$270.00	= \$0.00
FILING FEE - NON-SMALL ENTITY .....			\$1,256.00
FILING FEE - SMALL ENTITY: Reduction by 1/2 .....			
<input type="checkbox"/> Verified Statement under 37 C.F.R. §1.27 is enclosed.			
<input type="checkbox"/> Verified Statement filed in prior application.			
Assignment Recordal Fee (\$40.00) .....			\$0.00
37 C.F.R. §1.17(k) Fee (non-English application) .....			\$0.00
<b>TOTAL</b> .....			<b>\$1,256.00</b>

A check is enclosed to cover the calculated fees. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 13-2495. A duplicate copy of this document is enclosed.

- The calculated fees will be paid within the time allotted for completion of the filing requirements.
- The calculated fees are to be charged to Deposit Account No. 13-2495. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to said Deposit Account. A duplicate copy of this document is enclosed.

### 3. Priority Information

- Foreign Priority:** Priority based on \_\_\_\_\_ Application No. \_\_\_\_\_, filed \_\_\_\_\_, is claimed.
  - A copy of the above referenced priority document [ ] is enclosed / [ ] will be filed in due course, pursuant to 35 U.S.C. §119(a)-(d).
- Provisional Application Priority:** Priority based on United States Provisional Application Nos.\_\_\_\_\_, filed \_\_\_\_\_, and \_\_\_\_\_, filed \_\_\_\_\_ is claimed under 35 U.S.C. §119(e).

### 4. Other Submissions

- A Preliminary Amendment is enclosed.
- An Information Disclosure Statement, \_\_\_\_ sheets of PTO Form 1449, and \_\_\_\_ patent(s)/publications/documents are enclosed.
- A power of attorney
  - is submitted  with the new Oath/Declaration.
  - is of record in the prior application and [ ] is in the original papers / [ ] a copy is enclosed.
- An Assignment of the invention
  - is enclosed with a cover sheet pursuant to 37 C.F.R. §§3.11, 3.28 and 3.31.
  - is of record in a prior application. The assignment is to \_\_\_\_, and is recorded at Reel \_\_\_\_, Frame(s) \_\_\_\_.
- An Establishment of Assignee's Right To Prosecute Application Under 37 C.F.R. §3.73(b), and Power Of Attorney is enclosed.

An Express Mailing Certificate is affixed hereto.

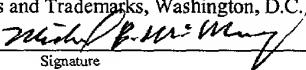
**CERTIFICATE OF "EXPRESS MAIL"  
UNDER 37 C.F.R § 1.10**

"Express Mail" Mailing Label No. EH873629584US

Date of deposit April 16, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231

Michael B. McMurry

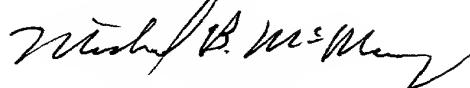
  
Signature

Other:

Attention is directed to the fact that the correspondence address for this application is:

**Michael B. McMurry.  
1210 Astor St.  
Chicago, Illinois 60610  
(312) 664-1086.**

Respectfully,



Michael B. McMurry  
Reg. No. 26,954

Date: April 12, 2001